

REMARKS

Claims 1, 4-18, 84, and 97-225 are pending in this application. By this amendment, claims 1, 4-18, 97-102, 108-127, 148-151, 155-181, 203-208, 215, 216, 219-221, and 224 are withdrawn. Claims 103, 105, and 107 are amended. Upon entry of the amendment, claims 84, 103-107, 128-147, 152-154, 182-202, 209-214, 217, 218, 222-223, and 225 are under examination.

The Examiner has required restriction between the following inventions as required under 35 U.S.C. § 121:

Group I: Claims 1, 4-17, 97-102, 148, 155-160, 203-208, 219, drawn to a pharmaceutical composition comprising a pharmaceutical agent and a pharmaceutically acceptable carrier;

Group II: Claims 18, 111-127, 149-151, 161-181, 216, 220-224, drawn to a pharmaceutical composition comprising a pharmaceutical agent, albumin, and deferoxamine in an amount effective to inhibit oxidation;¹

Group III: Claims 84, 128-130, 131-147, 152-154, 182-202, 217, 218, 222-223, 225, drawn to a pharmaceutical composition comprising a pharmaceutical agent, albumin, and deferoxamine in an amount effective to inhibit microbial growth;

Group IV: Claims 103-104, 107-110, 215, drawn to a pharmaceutical composition comprising a pharmaceutical agent, 1% to 25% by weight of albumin, and deferoxamine in an amount effective to inhibit microbial growth;² and

Group V: Claims 105-106, 209-214, drawn to a pharmaceutical composition comprising a pharmaceutical agent, albumin, deferoxamine, and 0.0001% to 0.5% by weight of deferoxamine mesylate.

The Examiner further requires an election of species among: pharmaceutical agents, i.e., paclitaxel, docetaxel, taxanes, camptothecin, propofol, amiodarone, cyclosporine, rapamycin,

¹ Applicants respectfully submit that claims 108-110, all of which depend from Claim 18 directly or indirectly, belong to this group. Claims 222 and 223, both of which indirectly depend from Claim 84, do not belong to this group.

² Applicants respectfully submit that claims 108-110 and 215, all of which depend from claim 18 directly or indirectly, do not belong to this group, but rather belong to Group II.

amphotericin, liothyrones, colchicines, thyroid hormones, vasoactive intestinal peptide, corticosteroids, melatonin, tacrolimus, mycophenolic acids (claims 1, 114, 134), anticancer agents, anesthetics, antimicrotubule agents, cardiovascular disorder agents, antihypertensives, anti-inflammatory agents, anti-arthritic agents, antiasthmatics, analgesics, vasoactive agents, immunosuppressive agents, antifungal agents, antiarrhythmic agents, antibiotics, hormones (claims 161, 168, 175, 182, 189, 196).

Applicants hereby provisionally elect Group III (claims 84, 128-130, 131-147, 152-154, 182-202, 217, 218, 222-223, 225) with traverse. Applicants submit that all previously pending claims were classified in class 530, subclass 362 and thus do not impose serious search burden on the Examiner. Applicants further submit that, like claims in Group III, claims in Groups I, IV, and V all recite a pharmaceutical composition comprising a pharmaceutical agent, albumin, and deferoxamine in an amount effective to inhibit microbial growth.

By this amendment, claims 103, 105, and 107 have been amended to depend from claim 84. Claim 104 depends from claim 103. Claims 106 and 209-214 depend from claim 105. Claims 103-107 and 209-214 as amended thus directly or indirectly depend from claim 84 and belong to Group III. Accordingly, these claims should be examined along with other claims in Group III (claims 84, 128-130, 131-147, 152-154, 182-202, 217, 218, 222-223, 225).

Applicants further elect anticancer agents under 35 U.S.C. § 121 for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Claims 84, 103-107, 128-133, 135-147, 152-154, 182-183, 187, 189-190, 194, 196-197, 201, 209-213, 217, 218, 222, 223, and 225 read on the elected species.

Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed on the non-elected subject matter during the pendency of this application, or an application claiming priority from this application. Applicants' elections are made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species,

provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

In the unlikely event that the transmittal form is separated from this document and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing (420052000300). However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 13, 2007

Respectfully submitted,

By 

Jian Xiao

Registration No.: 55,748
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5736